

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

FRASER ROTCHFORD,

Plaintiff,

v.

OLYCAP,

Defendant.

CASE NO. C19-5132 RBL

ORDER

THIS MATTER is before the Court on Plaintiff Fraser Rotchford's Motion for Leave to Proceed *In Forma Pauperis*, supported by his Complaint.

A district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The court has broad discretion in resolving the application, but "the privilege of proceeding *in forma pauperis* in civil actions for damages should be sparingly granted." *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir. 1963), *cert. denied* 375 U.S. 845 (1963). The standard governing *in forma pauperis* eligibility under 28 U.S.C. § 1915(a)(1) is "unable to pay such fees or give security therefor." A person is eligible if they are unable to pay the costs of filing and still provide the necessities of life. *See*

1 *Rowland v. Cal. Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 203 (1993)  
2 (internal quotations omitted).

3 In addition, a court should “deny leave to proceed *in forma pauperis* at the outset if it  
4 appears from the face of the proposed complaint that the action is frivolous or without merit.”  
5 *Tripathi v. First Nat’l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir. 1987) (citations omitted); *see*  
6 *also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis* complaint is frivolous if “it ha[s] no  
7 arguable substance in law or fact.” *Id.* (citing *Rizzo v. Dawson*, 778 F.2d 527, 529 (9th Cir.  
8 1985); *see also Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir. 1984). A *pro se* Plaintiff’s  
9 complaint is to be construed liberally, but like any other complaint it must nevertheless contain  
10 factual assertions sufficient to support a facially plausible claim for relief. *Ashcroft v. Iqbal*, 556  
11 U.S. 662, 678, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009) (citing *Bell Atlantic Corp. v. Twombly*,  
12 550 U.S. 544, 570, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007)). A claim for relief is facially  
13 plausible when “the plaintiff pleads factual content that allows the court to draw the reasonable  
14 inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678.  
15 Ordinarily, the Court will permit *pro se* litigants an opportunity to amend their complaint in order  
16 to state a plausible claim. *See United States v. Corinthian Colleges*, 655 F.3d 984, 995 (9th Cir.  
17 2011) (“Dismissal without leave to amend is improper unless it is clear, upon *de novo* review,  
18 that the complaint could not be saved by any amendment.”)

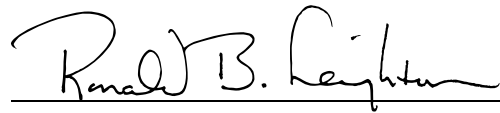
19 Rotchford’s Complaint fails to state a viable claim under this standard, and his  
20 application to proceed *in forma pauperis* is DENIED. It remains entirely unclear what or who  
21 Olycap is compared to Rotchford, or how he claims they have violated his rights or damaged him  
22 in some way, or what the basis for his claim against them is. Rotchford seems to claim that  
23 Olycap does not do what it claims it does with respect to homeless veterans; that it did something  
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1 nefarious with “RVs” supposedly purchased for veterans; and that something they did may have  
2 had something to do with the suicide of a different veteran. The details of Rotchford’s own  
3 interaction with Olycap are even less clear; his complaint is a sort of stream of consciousness on  
4 a variety of topics—addiction, mental health, sexuality and politics. Missing, however, is any  
5 sort of actionable claim by Rotchford against Olycap, over which this court has jurisdiction.  
6 Rotchford has not stated a viable claim in this complaint.

7 Rotchford’s Motion for Leave to Proceed *in forma pauperis* [Dkt. #1] is **DENIED**.  
8 Within 21 days of this Order, Rotchford shall pay the filing fee or file an amended complaint  
9 setting forth the “who what when where and why” of a plausible factual claim, describing what  
10 Olycap did to him (or failed to do), including an articulation of the legal basis for a claim and the  
11 relief sought. If he does not, the case will be dismissed without further notice.

12 IT IS SO ORDERED.

13 Dated this 4<sup>th</sup> day of March, 2019.

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16 Ronald B. Leighton  
17 United States District Judge  
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